



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/553,827

10/20/2005

Mauro Rossotto

09952.0006

4000

22852

7590

03/04/2009

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

DONABED, NINOS J

ART UNIT

PAPER NUMBER

2444

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,827	Applicant(s) ROSSOTTO ET AL.	
	Examiner NINOS DONABED	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/23/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This action is in response to Applicants RCE (Request for Continued Examination) amendment dated 12/23/2008. Claims 27-52 have been amended. Claims 27-52 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 27-35, 38-46 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (United States Patent Number 6,510,145) in view of Wojtowicz (Canadian Patent Application 2330707) further in view of Yasukawa (United States Patent 6437786).

Regarding **Claim 27**,

Kim teaches a method of providing multimedia service contents to at least one terminal via a wireless network, the method comprising: **(See abstract, Kim discloses a mobile communication system)**

generating at least one delivery packet containing the multimedia service contents; **(See Column 5 Lines 18-63 and Claims 1, 10, and 12, Kim discloses generating of packets)**

transmitting the at least one delivery packet at the least one terminal; **(See abstract and Column 6 Lines 10-30, Kim discloses transmitting of packets to a terminal)**

receiving the at least one delivery packet at the at least one terminal; and **(See Column 6 Line 66 - Column 7 Line 26, Column 2 Lines 23-47, and Claim 3, Kim discloses receiving of voice packets at a terminal)**

Kim does not explicitly teach further containing a corresponding service logic defining how the multimedia service contents are presented at the at least one terminal or presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic.

Wojtowicz teaches containing a corresponding information defining how the service contents are presented at the at least one terminal and presenting the received service contents at the at least one terminal. **(See page 8 line 10 - page 9 line 5, Wojtowicz teaches defining how the service contents will be presented at a given terminal.)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have known to combining Wojtowicz with Kim because both deal with transferring of multimedia data packets from a base station to a terminal. The advantage of Wojtowicz is that the Maui Server has a layout manager which sets the resolution of the graphics based on the specific client device the transfer is being made to. **(See pages 1-2 and 8-9, Wojtowicz.)**

Wojtowicz does not explicitly teach service logic defining how the multimedia service contents are presented at the at least one terminal.

Yasukawa teaches service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic. **(See column 2 line 43 – column 3 line 45, Yasukawa teaches image control content (service logic) which determines how multimedia contents will be presented at a projector terminal)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have known to combine Yasukawa with Kim and Wojtowicz because both deal with transferring of data from a server to a terminal device. The advantage of incorporating Yasukawa's "service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic" into the teachings of Kim and Wojtowicz is that it makes the system less limiting in the sense of where the multimedia data can be viewed thus making the system more robust and efficient.

Regarding **Claim 28**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 27, further comprising:
generating the corresponding service logic using software stored in at least one software cartridge installed in a delivery application logic common to a plurality of

Art Unit: 2444

multimedia services, each software cartridge containing software specific to a given multimedia service. **(See page 4 lines 5-32, Wojtowicz.)**

Motivation is the same as for claim 27.

Regarding **Claim 29**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 28, further comprising:
installing a new software cartridge in the delivery application logic, the installed software cartridge associated with a new multimedia service; and **(See column 2 line 43 – column 3 line 45, Yasukawa.)**

generating a service logic corresponding to the new multimedia service using software stored in the installed software cartridge. **((See column 2 line 43 – column 3 line 45, Yasukawa.)**

Motivation is the same as for claim 27.

Regarding **Claim 30**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 27, further comprising:
providing at least one of a presentation module and an interaction module at the at least one terminal, the presentation module configured to present the received multimedia service contents at the at least one terminal and the interaction module configured to facilitate user interaction between the received multimedia service contents and a user at the at least one terminal **(See column 6 line 40 – column 7 line 25, Yasukawa.)**

Motivation is the same as for claim 27.

Regarding **Claim 31**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 27, further comprising:
presenting the received multimedia service contents at the at least one terminal
using at least one sequence of screens linked one to another according to the received
service logic. **(See column 6 line 40 – column 7 line 25, Yasukawa.)**

Motivation is the same as for claim 27.

Regarding **Claim 32**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 27, further comprising:
providing a plurality of multimedia content building blocks associated with a
plurality of multimedia services, wherein the service logic defines how different
multimedia content building blocks are presented at the at least one terminal in order to
implement one or more multimedia services at the at least one terminal. **(See column 2
line 40 – column 3 line 25, Yasukawa.)**

Motivation is the same as for claim 27.

Regarding **Claim 33**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 27, further comprising:
the-steps of generating the at least one delivery packet using a service standard
template. **(See Column 3 Lines 36-63, Kim discloses a CDMA standard mobile
communications network)**

Regarding **Claim 34**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 33, wherein the service standard template is defined in a markup language. **(See Column 1 Lines 24 – 35, Kim discloses the Internet which has a markup language)**

Regarding **Claim 35**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 27, further comprising: using a mobile communications network as the wireless network. **(See abstract, Kim discloses a mobile communications network)**

Regarding **Claim 38**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 27, further comprising: transmitting the at least one delivery packet via a transport protocol selected from the group consisting of MMS, HTTP and HTTPS. **(See Page 11, Wojtowicz.)**

Motivation is the same as for claim 27.

Regarding **Claim 39**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 27, further comprising: providing the at least one terminal with at least one of a presentation module and an interaction module, the presentation module configured to present the received multimedia service contents at the at least one terminal and the interaction module

configured to facilitate user interaction between the received multimedia service contents and a user at the at least one terminal; and **(See column 6 line 40 – column 7 line 25, Yasukawa.)**

providing the at least one terminal with an interpreter module configured to convert the received multimedia service contents into a form suitable for input into at least one of the presentation module and interaction module. **(See column 6 line 40 – column 7 line 25, Yasukawa.)**

Motivation is the same as for claim 27.

Regarding **Claim 40**,

Claim 40 is substantially the same as **claim 27** and is thus rejected for reasons similar to those in rejecting **claim 27**.

Regarding **Claim 41**,

Claim 41 is substantially the same as **claim 28** and is thus rejected for reasons similar to those in rejecting **claim 28**.

Regarding **Claim 42**,

Claim 42 is substantially the same as **claim 29** and is thus rejected for reasons similar to those in rejecting **claim 29**.

Regarding **Claim 43**,

Claim 43 is substantially the same as **claim 32** and is thus rejected for reasons similar to those in rejecting **claim 32**.

Regarding **Claim 44**,

Claim 44 is substantially the same as **claim 33** and is thus rejected for reasons similar to those in rejecting **claim 33**.

Regarding **Claim 45**,

Claim 45 is substantially the same as **claim 34** and is thus rejected for reasons similar to those in rejecting **claim 34**.

Regarding **Claim 46**,

Claim 46 is substantially the same as **claim 35** and is thus rejected for reasons similar to those in rejecting **claim 35**.

Regarding **Claim 49**,

Claim 49 is substantially the same as **claim 38** and is thus rejected for reasons similar to those in rejecting **claim 38**.

Regarding **Claim 50**,

Kim teaches a terminal, comprising:

a receiver adapted to receive at least one delivery packet from a wireless network **(See Column 6 Line 66 - Column 7 Line 26, Column 2 Lines 23-47, and Claim 3, Kim discloses receiving of voice packets at a terminal)**

Kim does not explicitly teach

the at least one delivery packet containing multimedia service contents and further containing a corresponding service logic defining how the multimedia service contents are presented at the terminal;

a presentation module configured to present the received multimedia service contents in a manner defined by the received service logic;

an interaction module configured to facilitate user interaction between the received multimedia service contents and a user at the terminal; and

an interpreter module configured to convert the received multimedia service contents into a form suitable for input into at least one of the presentation module and interaction module.

Wojtowicz teaches the at least one delivery packet containing multimedia service contents and further defining how the service contents are presented at the terminal;

(See page 8 line 10 - page 9 line 5, Wojtowicz teaches defining how the multimedia service contents will be presented at a given terminal.)

a presentation module configured to present the received service contents; **(See page 9 line 6 – page 10 line 10, Wojtowicz.)**

an interaction module configured to facilitate user interaction between the received service contents and a user at the terminal; and **(See page 9 line 6 – page 10 line10, Wojtowicz.)**

an interpreter module configured to convert the received service contents into a form suitable for input into at least one of the presentation module and interaction module. **(See page 11 line 23 to page 10 line 17, Wojtowicz.)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have known to combining Wojtowicz with Kim because both deal with transferring of multimedia data packets from a base station to a terminal. The advantage of Wojtowicz is that the Maui Server has a layout manager which sets the resolution of the graphics based on the specific client device the transfer is being made to. **(See pages 1-2 and 8-9, Wojtowicz.)**

Wojtowicz does not explicitly teach service logic defining how the multimedia service contents are presented at the at least one terminal.

Yasukawa teaches service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic. **(See column 2 line 43 – column 3 line 45, Yasukawa teaches image control content (service logic) which determines how multimedia contents will be presented at a projector terminal)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have known to combine Yasukawa with Kim and Wojtowicz

Art Unit: 2444

because both deal with transferring of data from a server to a terminal device. The advantage of incorporating Yasukawa's "service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic" into the teachings of Kim and Wojtowicz is that it makes the system less limiting in the sense of where the multimedia data can be viewed thus making the system more robust and efficient.

Regarding **Claim 51**,

Kim teaches a server, comprising: **(See abstract, Kim discloses a mobile communication system)**

a delivery application logic configured to generate at least one delivery packet containing multimedia service contents **(See Column 5 Lines 18-63 and Claims 1, 10, and 12, Kim discloses generating of packets)**

the delivery application logic comprising a plurality of software cartridges, each software cartridge containing software associated with service logic for a different multimedia service; and

a transmitter adapted to transmit the at least one delivery packet over a wireless network to at least one client terminal. **(See abstract and Column 6 Lines 10-30, Kim discloses transmitting of packets to a terminal)**

Kim does not explicitly teach further containing a corresponding service logic defining how the multimedia service contents are presented at one or more client terminals,

Wojtowicz teaches further containing a corresponding service logic defining how the multimedia service contents are presented at one or more client terminals. **(See page 8 line 10 - page 9 line 5, Wojtowicz teaches defining how the service contents will be presented at a given terminal.)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have known to combining Wojtowicz with Kim because both deal with transferring of multimedia data packets from a base station to a terminal. The advantage of Wojtowicz is that the Maui Server has a layout manager which sets the resolution of the graphics based on the specific client device the transfer is being made to. **(See pages 1-2 and 8-9, Wojtowicz.)**

Wojtowicz does not explicitly teach service logic defining how the multimedia service contents are presented at the at least one terminal.

Yasukawa teaches service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic. **(See column 2 line 43 – column 3 line 45, Yasukawa teaches image control content (service logic) which determines how multimedia contents will be presented at a projector terminal)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have known to combine Yasukawa with Kim and Wojtowicz because both deal with transferring of data from a server to a terminal device. The advantage of incorporating Yasukawa's "service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic" into the teachings of Kim and Wojtowicz is that it makes the system less limiting in the sense of where the multimedia data can be viewed thus making the system more robust and efficient.

Regarding **Claim 52**,

Kim teaches a computer-readable medium comprising computer- executable instructions that are directly loadable in a memory of a computer and comprising software code portions for implementing multimedia services in a terminal of a wireless network, the software code portions comprising: **(See Column 5 Lines 18-63 and Claims 1, 10, and 12, Kim)**

Kim does not explicitly teach a presentation module configured to present multimedia service contents in a manner defined by a corresponding service logic;

an interaction module configured to facilitate user interaction between the multimedia service contents and a user at the terminal; and

an interpreter module configured to convert at least one delivery packet into a form suitable for input into at least one of the presentation module and the interaction

module, the at least one delivery packet containing the multimedia service contents and further containing the corresponding service logic defining how the multimedia service contents are presented at the terminal.

Wojtowicz teaches the at least one delivery packet containing service contents;
(See page 8 line 10 - page 9 line 5, Wojtowicz teaches defining how the service contents will be presented at a given terminal.)

a presentation module configured to present the received service contents in a manner defined; **(See page 9 line 6 – page 10 line10, Wojtowicz.)**

an interaction module configured to facilitate user interaction between the received service contents and a user at the terminal; and **(See page 9 line 6 – page 10 line10, Wojtowicz.)**

an interpreter module configured to convert the received service contents into a form suitable for input into at least one of the presentation module and interaction module. **(See page 11 line 23 to page 10 line 17, Wojtowicz.)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have known to combining Wojtowicz with Kim because both deal with transferring of multimedia data packets from a base station to a terminal. The advantage of Wojtowicz is that the Maui Server has a layout manager which sets the resolution of the graphics based on the specific client device the transfer is being made to. **(See pages 1-2 and 8-9, Wojtowicz.)**

Wojtowicz does not explicitly teach service logic defining how the multimedia service contents are presented at the at least one terminal.

Yasukawa teaches service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic. **(See column 2 line 43 – column 3 line 45, Yasukawa teaches image control content (service logic) which determines how multimedia contents will be presented at a projector terminal)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have known to combine Yasukawa with Kim and Wojtowicz because both deal with transferring of data from a server to a terminal device. The advantage of incorporating Yasukawa's "service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic" into the teachings of Kim and Wojtowicz is that it makes the system less limiting in the sense of where the multimedia data can be viewed thus making the system more robust and efficient.

3. Claim 36, 37, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (United States Patent Number 6,510,145) in view of Wojtowicz (Canadian Patent Number 2330707) further in view of Yasukawa (United States Patent 6437786) further in view of official notice.

Regarding **Claim 36**,

Art Unit: 2444

Kim, Wojtowicz, and Yasukawa teach the method of claim 35.

Kim further teaches a CDMA mobile communications system. **(See Column 3 Lines 36-63)**

Kim, Wojtowicz, and Yasukawa do not explicitly teach the step of selecting said mobile communications network as one of a GPRS and a UMTS network.

Examiner takes official notice on the step of selecting said mobile communications network as one of a GPRS and a UMTS network because it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CDMA mobile network in place of a GPRS or a UMTS network because a CDMA network can accommodate many users on the same frequency and at the same time.

Regarding **Claim 37**,

Kim, Wojtowicz, and Yasukawa teach the method of claim 36.

Kim further teaches a CDMA mobile communications system. **(See Column 3 Lines 36-63)**

Kim, Wojtowicz, and Yasukawa do not explicitly teach the step of transmitting said delivery packets via the data channel of said one of a GPRS and a UMTS network.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CDMA mobile network in place of a GPRS or a UMTS network because a CDMA network can accommodate many users on the same frequency and at the same time.

Regarding **Claim 47**,

Kim, Wojtowicz, and Yasukawa teach the system of claim 46.

Kim further teaches a CDMA mobile communications system. **(See Column 3 Lines 36-63)**

Kim, Wojtowicz, and Yasukawa do not explicitly teach the step of transmitting said delivery packets via the data channel of said one of a GPRS and a UMTS network.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CDMA mobile network in place of a GPRS or a UMTS network because a CDMA network can accommodate many users on the same frequency and at the same time.

Regarding **Claim 48**,

Kim, Wojtowicz, and Yasukawa teach the system of claim 47.

Kim further teaches a CDMA mobile communications system. **(See Column 3 Lines 36-63)**

Kim, Wojtowicz, and Yasukawa do not explicitly teach the step of selecting said mobile communications network as one of a GPRS and a UMTS network.

Examiner takes official notice on the step of selecting said mobile communications network as one of a GPRS and a UMTS network because it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a CDMA mobile network in place of a GPRS or a UMTS network because a

Art Unit: 2444

CDMA network can accommodate many users on the same frequency and at the same time

Response to Arguments

4. Applicant's arguments with respect to claims 27-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this Office Action should be **faxed** to (571) 272-8300 or **mailed** to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NINOS DONABED whose telephone number is (571)270-3526. The examiner can normally be reached on Monday-Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2444

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. D./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444